

Serial No. 10/446,559
HP Docket No: 200309581-1

REMARKS

This communication is in response to the Office Action dated September 22, 2004. Claims 1-18 are pending in the present Application. Claims 1-18 have been rejected. Claims 1-18 remain pending.

Drawings

The Examiner asserts:

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference signs(s) mentioned in the description: Element "200" could not be located in the drawings. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application.

Applicant asserts that corrected drawing sheets are included with this response to address the above-referenced informality.

103 Rejections

Claims 1, 8 and 15

For case of review, Applicant reproduces independent claims 1, 8 and 15 herein below:

1. An article for providing tamper detection evidence comprising:
a layer of adhesive;
a skin layer affixed to the layer of adhesive; and
printed indicia on the skin layer wherein the printed indicia comprises a textual message translated into a plurality of different languages.
8. A method of fabricating an article for providing tamper detection evidence comprising:
providing a layer of adhesive;
affixing a skin layer to the layer of adhesive; and

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printing indicia on the skin layer wherein the indicia comprises a textual message translated into a plurality of different languages.

15. An adhesive tape for providing tamper evidence comprising:
a layer of pressure sensitive adhesive;
a skin layer affixed to the layer of pressure sensitive adhesive wherein the skin layer includes a top surface; and
a pattern of printed indicia on the top surface wherein the pattern of printed indicia comprises a textual message translated into a plurality of different languages.

The Examiner states:

Claims 1-18 are rejected under 35 USC §103(a) as being unpatentable over Makowka (5,405,197).

Applicant respectfully disagrees. Independent claim 1 recites an article for providing tamper detection evidence. The article includes a layer of adhesive, a skin layer affixed to the layer of adhesive and printed indicia on the skin layer wherein the printed indicia includes a textual message translated into a plurality of different languages.

Independent claim 8 recites a method of providing tamper detection evidence. The method includes providing a layer of adhesive, affixing a skin layer to the layer of adhesive and printing indicia on the skin layer wherein the indicia comprises a textual message translated into a plurality of different languages.

Finally, independent claim 15 recites an adhesive tape for providing tamper evidence. The adhesive tape includes a layer of pressure sensitive adhesive, a skin layer affixed to the layer of pressure sensitive adhesive wherein the skin layer includes a top surface and a pattern of printed indicia on the top surface wherein the pattern of printed indicia comprises a textual message translated into a plurality of different languages.

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The Examiner asserts that the Makowa reference teaches of a sealing system similar to that of the present invention. Makowa is directed to a tamper-evident seal for a plastic envelope with a pocket and closing flap having first adhesive sealing means for sealing the flap to the envelope and a second, tamper-evident sealing means adhering to the end of and extending beyond the end of the flap which also adheres to the envelope after the flap is closed and sealed.

The Examiner asserts that Makowa discloses the claimed invention except for the specific arrangement and/or content of indicia ("textual message translated into a plurality of different languages"). The Examiner then argues that it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide any desired indicia on the article since it would only depend on the intended use of the assembly and the desired information to be displayed. Applicant respectfully disagrees.

When making an obvious rejection under 35 U.S.C. § 103, a necessary condition is that the reference or combination of the cited references *must teach or suggest all claim limitations*. (Emphasis added.) If the cited reference(s) do not teach or suggest every element of the claimed invention, then the cited reference(s) fail to render obvious the claimed invention, i.e. the claimed invention is distinguishable over the combination of the cited reference(s). Applicant accordingly disagrees with the Examiner's obviousness rejection.

Unlike Makowa, the independent claims of the present invention recite the implementation of a pattern of printed indicia that comprises *a textual message translated into a plurality of different languages*. (Emphasis added.) Applicant

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asserts that this feature provides a functional distinction between the Makowa reference and the independent claims of the present invention.

In light of more stringent security restrictions, many countries are now requiring that all text (not trademarked logos) on packaging be translated into the language of the country in which the packaging is being utilized. Accordingly, through the use of the present invention, it is not only easy to determine whether the tape has been previously cut or removed, the tape is in compliance with the regulatory restrictions of many countries. This is clearly functionally distinguishable from the tamper-evident seal disclosed by Makowa.

Furthermore, claim 6 recites an embodiment whereby the printed indicia comprises a 3-2-1 type pattern. *Makowa does not disclose any type of pattern whatsoever for the printed text.* What is meant by a 3-2-1 pattern is a pattern where a base language is employed and other languages are placed adjacent to the base language in a 3-2-1 configuration. In Figure 4 (see attached Figure 4), the base language is English. Accordingly, as can be seen in Figure 4, the pattern 410 includes a first English translation 411 of the textual message "genuine hp" followed by three translations of the textual message into languages other than English (Norwegian, Italian and Spanish). Next, a second English translation 412 is followed by two translations of the textual message into languages other than English (French and German) and different from the other non-English language translations. Finally, a third English translation 413 is followed by a single translation of the textual message into a language other than English (Chinese) and different from the other non-English language translations.

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Accordingly, through the use of the described embodiment of the present invention, the regulatory restrictions of a variety of countries can be simultaneously met while providing tamper-detection evidence for packaged products. Again, this is clearly functionally distinguishable from the tamper-evident seal disclosed by Makowa.

The Examiner contends that "the fact that the content of the printed matter placed on the substrate may render the device more convenient by providing an individual with a specific type of article does not alter the functional relationship necessary for patentability". This may in fact be true, however Applicant herein above has provided clear evidence of functional distinguishability between the recited invention and the Makowa reference i.e. the recited invention meets the regulatory requirements of a variety of countries while the tamper-evident seal disclosed by Makowa does not.

Consequently, since the present invention as recited in the independent claims is functionally different than the tamper-evident seal of Makowa, the Examiner's argument that there is no novel and unobvious functional relationship between the printed matter and the substrate, is incorrect. Accordingly, the independent claims of the present invention are not obvious in view of the Makowa reference. Therefore, independent claims 1, 8 and 15 should be allowed over the Examiner's rejection.

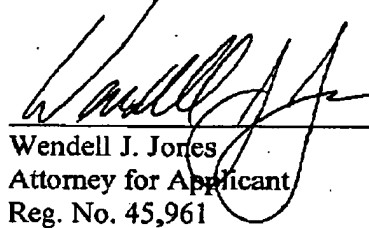
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Claims 2-7, 9-14 and 16-18

Since claims 2-7, 9-14 and 16-18 are respectively dependent on claims 1, 8 and 15, the above-articulated arguments with regard to independent claims 1, 8 and 15 apply with equal force to claims 2-7, 9-14 and 16-18. Accordingly, claims 2-7, 9-14 and 16-18 should be allowed over the Examiner's cited reference.

Applicant believes that this application is in condition for allowance. Accordingly, Applicant respectfully requests reconsideration, allowance and passage to issue of the claims as now presented. Should any unresolved issues remain, Examiner is invited to call Applicant's attorney at the telephone number indicated below.

Respectfully submitted,



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